

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

This matter comes before the Court on pro-se Defendant Lloyd Johnston's ("Johnston") Motion for Protective Order (#883), filed on March 18, 2013. Having received a copy of the Motion via e-mail, Plaintiff filed a preemptive Opposition (#881) on March 19, 2013. In anticipation of Johnston's Motion, Plaintiff filed an Emergency Motion for Hearing (#876) on March 18, 2013. The Court conducted a telephonic hearing on the Motion (#880) on March 19, 2013. *See Minutes of Proceedings, Doc. #884.* Johnston's deposition in this matter was scheduled for March 22, 2013. Johnston represented at the hearing that he was indicted in the related criminal proceeding in the District of Utah on March 6, 2013, and that he has been appointed counsel. The Court will stay Johnston's deposition until the parties determine whether his criminal counsel can attend his deposition to advise him regarding asserting his fifth amendment privilege.

Also before the Court is Defendant Scott Leavitt's ("Leavitt") Motion for a Protective Order (#880) and Plaintiff's Opposition (#882), both filed on March 19, 2013. The Court addressed Leavitt's Motion at the March 19, 2013 hearing. Leavitt's deposition was scheduled for March 21, 2013. Leavitt represented at the hearing that he was also indicted in the related criminal proceeding, and Plaintiff's counsel reported his initial appearance is scheduled for April 10, 2013. At the time of the hearing, Leavitt had not obtained counsel in the criminal proceeding. The Court will stay Leavitt's deposition until April 17, 2013 to afford Leavitt an opportunity to confer with

1 criminal counsel regarding asserting his fifth amendment privilege during his deposition. In the  
2 event such conference occurs earlier and the parties are able to agree on a date, Plaintiff may  
3 depose Leavitt before April 17, 2013.

4 The Court is mindful of the May 2, 2013 discovery cutoff in this case. *See Scheduling*  
5 *Order, Doc. #675.* In the event Plaintiff is unable to complete Johnston's and Leavitt's depositions  
6 before May 2, the parties may timely file for an extension of the discovery deadline for the limited  
7 purpose of completing the depositions. Accordingly,

8 **IT IS HEREBY ORDERED** that Defendant Lloyd Johnston's Motion for Protective Order  
9 (#883) is **granted** in part and **denied** in part as follows:

10 (1) Johnston's deposition is hereby stayed until the parties determine whether his counsel in  
11 the related criminal proceeding can attend the deposition.

12 **IT IS FURTHER ORDERED** that Defendant Scott Leavitt's Motion for Protective Order  
13 (#880) is **granted** in part and **denied** in part as follows:

14 (1) Leavitt's deposition is hereby stayed until April 17, 2013. In the event Leavitt is able to  
15 confer with criminal counsel earlier and the parties can agree on a date, Plaintiff may depose  
16 Leavitt before April 17, 2013.

17 **IT IS FURTHER ORDERED** that Plaintiff's Emergency Motion for Hearing (#876) is  
18 **denied** as moot.

19 DATED this 27<sup>th</sup> day of March, 2013.

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22 GEORGE FOLEY, JR.  
United States Magistrate Judge